Entered - 04/08/00 - sb

CL00L0230 - DIANNE C. MITCHELL

CLAIM OF: MABEL FOSTER through her attorney

John M. Foy

1750 Peachtree Street, NW, Suite 201

Atlanta, Georgia 30309

result of a vehicular accident on March 7, 2000 at For damages alleged to have been sustained as a Winton Terrace, NE and Boulevard, NE.

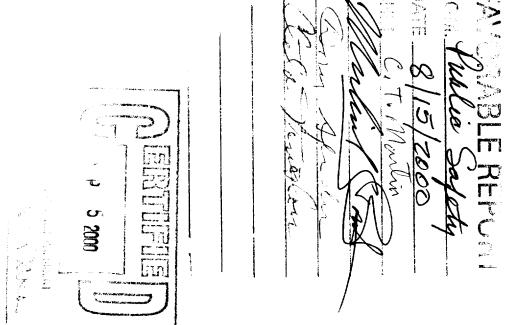
# BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

and Boulevard, NE as is more particularly set accident on March 7, 2000 at Winton Terrace, NE of every kind and character for damages alleged to sum of \$1,000.00 in full settlement and satisfaction of all claims, past, present and future, BE IT RESOLVED by the Council of the City of Settlement of Suits and Claims, Department of forth in the within claim; said sum taken from and have been sustained as a result of a vehicular FOSTER, through her attorney, John M. Foy the be approved in authorizing payment to MABEL Atlanta that the action of the Department of Law to account 1A01/529017/T31001, CONSENT AGENDA

APPROVED: SUSAN PEASE LANGFORD CITY ATTORNEY

DEPUTY CITY ATTORNEY ROSALIND RUBENS NEWELL

COUNCIL



APPROVED

WITHOUT SIGNATURE BY OPERATION OF LAW



## MUNICIPAL CLERK ATLANTA, GEORGIA

00-R-1242

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to Mabel Foster, through her attorney, John M. Foy in the sum of \$1000.00 in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of a vehicular accident on March 7, 2000 at Winton Terrace, NE and Boulevard, NE as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Doughen Johnson Municipal Clerk, CMC ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

SEP 05, 2000

SEP 14, 2000

## **DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. <u>00L0230</u>	Date:July 27, 2000
Claimant /Victim <u>MABEL FOSTER</u>	
BY: (Atty) John M. Foy	
Address: 1750 Peachtree Street, I	NW. Suite 201. Atlanta. Georgia 30309
Subrogation: Claim for Property dama	age \$ Bodily Injury \$ 18.000.00
Date of Notice: 04/18/00 Method	ge \$ Bodily Injury \$ _18,000.00 od: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5	X Ante Litem (6 Mo.) X Place: Winton Terrace, NE and Boulevard, NE
Date of Occurrence 03/07/00	Place: Winton Terrace, NE and Boulevard, NE
Department Police	Division:
Employee involved D. Little	Division:  Disciplinary Action:  No Action Taken
	vehicle backed into the vehicle the claimant was driving causing
injuries in the above amount.	
INVESTIGATION:	
Statements: City employee Claimant Pictures Diagrams Reports	: Police X Dept Report Other
Traffic citations issued: City Driver	Claimant Driver
Citation disposition: City Driver	Claimant Driver
BASIS OF RECOMMENDATION:	
Repair/replacement by Ins. CoOffe	Ministerial  Other Damages reasonable  or rejected Compromise settlement X  Repair/replacement by City Forces  or Note that Claim Abandoned
	Respectfully submitted,
	Munch
	INVESTIGATOR - DIANNE C. MITCHELL
RECOMMENDATION:	
Pay \$ 1,000.00 Adverse	Account charged: 1A01 X 2J01 2H01
Claims Manager:	Account charged: 1A01 X 2J01 2H01 2H01 Concur/date 7-27-W
Committee Action:	Council Action
FORM 23-61	

# SOBELL & FOY A PROFESSIONAL CORPORATION

ATTORNEYS & COUNSELORS AT LAW 1750 PEACHTREE STREET, N.W. SUITE 201 ATLANTA, GEORGIA 30309 Reeves 04/17/00

> TELEPHONE (404) 873-4488 FACSIMILE (404) 873-4490

DAVID M. SOBELL\*
JOHN M. FOY

\*ALSO ADMITTED IN AL

**ENTERED - 4-18-00 - SB 00L0230 - MIKE REEVES** 

April 11, 2000

#### **VIA CERTIFIED MAIL**

The Atlanta City Council
Office of the President
Mr. Robb Pitts
55 Trinity Ave.
Suite 2900
Atlanta, GA 30335

Re: Ante Litem Notice

Our Client(s): Mabel Foster, Donte Gathing

Date of Incident: 03/07/00

Location: Winton Terrace, NE and Boulevard, NE, Atlanta, GA

Dear Mr. Pitts,

This letter shall provide official notice to The City of Atlanta of a claim for damages in accordance with O.C.G.A. section 36-33-5. Our clients, Mabel Foster and Donte Gathing, were injured as a result of Officer D. Little's negligence while he was on duty with the Atlanta Police Department. While watching suspect[s], Officer Little put his unmarked police car into reverse and accelerated into the car behind him occupied by our clients. Officer Little was clearly at fault. Enclosed please find the Georgia Uniform Motor Vehicle Accident Report # 000672151 which details the accident.

Our clients, Mabel Foster and Donte Gathing, were injured as a result of the impact and the car Ms. Foster was driving was damaged. Both of our clients suffered injuries to their necks and backs and are currently treating with Dr. Gentry. We will forward their medical records as they become available.

By this letter, we are requesting that this claim be submitted to The City of Atlanta governing authority for adjustment. Should you have any questions regarding this matter, please do not hesitate to call. Thank you for your time and attention to this matter.

Very truly yours,

SOBELL & FOY, A.

John M. Foy

Attorney at Law

## GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER_	00L0230	\$_	1,000.00	
IN CONSID	ERATION of the sum of _ (	ONE THOUSAND AT	ND NO/100	
			NTA, the future receipt of which	is hereby
	· •		istrators, and assigns, release and	•
	·	•	ted to D. Little, from any and a	-
		<del>-</del>	f whatsoever kind or nature for or or	n account
			count of <u>a vehicular accident</u>	2000
which occurred on o	or about the 7th	day ofNiarch		_2000,
at or near Winton	Terrace, NE and Boulevard	, NE		·
It is further u	inderstood and agreed that th	ne payment of the abo	ve named sum is not to be conside	ered as an
			ployees, of any liability whatsoever	
			less the City of Atlanta, its officer	
			which the said City of Atlanta, its	
agents, servants and	employees, may be called u	ipon to make as a resu	lt of the event hereinbefore referre	ed to.
And I now st	ate that the only consideration	on for my signing this	release and indemnification is the	navment
			d or nature has been made to or w	
			understand the meaning and inte	
instrument.		,	$\Omega$ .	
WITNESS m	ny hand and seal this _ \( \)	day of	4 July	. 2000.
WIIIVESSII	ly hand and sour this	<u> </u>		_,2000.
		Mala	0 1 1-1	
		g javes	1) The	(LS)
		MABEL FOSTE	R	
		(/0//1		(LS)
		JOHN M. FOY,	ATTORNEY ATLAW	(25)
The above re	elease was read and explaine	ed to, and signed by the	e said	<del></del>
		in ou	r presence on the date above writte	en.
			( 0	
		TOOMA	Cooker	
		Journ Land	Witnesses	

RCS# 2194 : 9/05/00 2:17 PM

### Atlanta City Council

Regular Session

CONSENT

Pages: 1-12

Adopt

YEAS: 13 SEE ATTACHED LISTING OF

NAYS: 0 ITEMS ADOPTED/ADVERSED ABSTENTIONS: ON CONSENT AGENDA

NOT VOTING: 3

> EXCUSED: 0

ABSENT 0

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